

MONTANA LEGISLATIVE HISTORY

Chapter 85 1977

Bill H _____ S 152

Original bill & history Le

H. Committee on State Admin

Hearing Date(s) _____ c

3/4 ✓ c

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Date Out 3/4 ✓ c

S. Committee on State Admin

Hearing Date(s) _____ c

2/4 ✓ c

_____ c

_____ c

2/9 ✓

Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

1 *Senate* BILL NO. *152*
 2 INTRODUCED BY *Halliburton*
 3 *By request Montana Board of Crime Control*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE VOLUNTEER
 5 PEACE OFFICERS BY ESTABLISHING MINIMUM QUALIFYING STANDARDS
 6 AND AUTHORIZING THE BOARD OF CRIME CONTROL TO ESTABLISH
 7 MINIMUM TRAINING STANDARDS FOR SUCH PEACE OFFICERS TO
 8 SAFEGUARD THE INTERESTS OF THE PUBLIC."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions. As used in this act, the
 12 following definitions apply:

13 (1) "Auxiliary officer" means an unsworn, part-time,
 14 volunteer member of a law enforcement agency who may perform
 15 but is not limited to the performance of such functions as
 16 civil defense, search and rescue, office duties, crowd and
 17 traffic control, and crime prevention activities. An
 18 auxiliary officer has only the arrest authority granted a
 19 private person in 95-611.

20 (2) "General law enforcement duties" means patrol
 21 operations performed for detection, prevention, and
 22 suppression of crime and the enforcement of criminal and
 23 traffic codes of this state and its local governments.

24 (3) "Law enforcement agency" means a law enforcement
 25 service provided directly by a local government.

1 (4) "Law enforcement officer" means a sworn,
 2 full-time, employed member of a law enforcement agency who
 3 is a peace officer as defined in 95-210 and has arrest
 4 authority as described in 95-608.

5 (5) "Reserve officer" means a sworn, part-time
 6 volunteer member of a law enforcement agency who is a peace
 7 officer as defined in 95-210 and has arrest authority as
 8 described in 95-608 only when authorized to perform these
 9 functions as a representative of the law enforcement agency.

10 Section 2. Reserve officers. (1) A local government
 11 may authorize reserve officers. A person who meets minimum
 12 standards for appointment as a peace officer may be
 13 appointed as a reserve officer. To be appointed, a person
 14 must:

15 (a) have resided in the state continuously for at
 16 least 1 year prior to the appointment and in the county
 17 where such appointment is made for a period of at least 6
 18 months prior to the date of the appointment;

19 (b) be a citizen of the United States;

20 (c) be at least 18 years of age;

21 (d) be fingerprinted, and a search must be made of
 22 local, state, and national fingerprint files to disclose any
 23 criminal record;

24 (e) not have been convicted of a crime for which he
 25 could have been imprisoned in a federal penitentiary or

1 state prison;

2 (f) be of good moral character as determined by a
3 thorough background investigation;

4 (g) be a graduate of an accredited high school or the
5 equivalent;

6 (h) be examined by a licensed physician within 30 days
7 immediately preceding the date of appointment and pronounced
8 in good physical condition; and

9 (i) possess a valid Montana driver's license.

10 (2) No reserve officer may be authorized to function
11 as a representative of a law enforcement agency performing
12 general law enforcement duties after 1 year from the
13 original appointment unless the reserve officer has
14 satisfactorily completed a minimum 88-hour basic training
15 program which must include but need not be limited to the
16 following course content:

17 (a) introduction and orientation — 1 hour;

18 (b) police ethics and professionalism — 1 hour;

19 (c) criminal law — 4 hours;

20 (d) laws of arrest — 4 hours;

21 (e) criminal evidence — 4 hours;

22 (f) administration of criminal law — 2 hours;

23 (g) communications, reports, and records — 2 hours;

24 (h) crime investigations — 3 hours;

25 (i) interviews and interrogations — 2 hours;

1 (j) patrol procedures — 6 hours;

2 (k) crisis intervention — 4 hours;

3 (l) police human and community relations — 3 hours;

4 (m) juvenile procedures — 2 hours;

5 (n) defensive tactics — 4 hours;

6 (o) crowd control tactics — 4 hours;

7 (p) firearms training — 30 hours;

8 (q) first aid — 10 hours; and

9 (r) examination — 2 hours.

10 (3) The law enforcement agency is responsible for
11 training its reserve officers in accordance with minimum
12 training standards established by the Montana board of crime
13 control.

14 (4) A reserve officer may serve as a peace officer
15 only on the orders and at the direction of the chief law
16 enforcement administrator of the local government.

17 (5) A reserve officer may act only in a supplementary
18 capacity to the law enforcement agency. A reserve officer
19 may be appointed as a full-time law enforcement officer
20 through the procedures provided in Montana law for such
21 appointments.

22 (6) The chief law enforcement administrator of a law
23 enforcement agency with reserve officers shall appoint a
24 full-time law enforcement officer of the agency as a reserve
25 force coordinator. The reserve force coordinator shall

1 coordinate the activities of the reserve force with those of
2 the law enforcement agency. Reserve officers:

3 (a) are subordinate to full-time law enforcement
4 officers; and

5 (b) may not serve unless supervised by a full-time law
6 enforcement officer whose span of control would be
7 considered within reasonable limits.

8 (7) No reserve officer may carry a weapon:

9 (a) while on assigned duty until the reserve officer
10 has qualified on the firing range with a weapon in
11 compliance with the firearms qualifying course conducted by
12 the Montana law enforcement academy; and

13 (b) until authorized by the chief law enforcement
14 administrator to carry a weapon.

15 (8) A reserve officer is vested with the same powers,
16 rights, privileges, obligations, and duties as any other
17 peace officer of this state upon being activated by the
18 chief law enforcement administrator of the local government
19 and while on assigned duty only.

20 (9) A reserve officer may not participate in any
21 pension or retirement system established for full-time law
22 enforcement officers.

23 (10) Each law enforcement agency that utilizes reserve
24 officers shall provide full workers' compensation coverage
25 for the officers while they are providing actual service for

1 a law enforcement agency. Coverage shall be provided through
2 the state compensation insurance fund, and the law
3 enforcement agencies shall pay to the state fund an
4 appropriate premium, as established by the state fund, to
5 cover the insurance risk of providing coverage to the
6 officers.

7 (11) A local government may not reduce the authorized
8 number of full-time law enforcement officers through the
9 appointment or utilization of reserve officers.

10 (12) Reserve officers serve at the pleasure of the
11 chief law enforcement administrator and may be terminated at
12 any time by the chief law enforcement administrator by
13 written notification without any cause.

14 Section 3. Reserve manual required. The authorizing
15 law enforcement agency establishing a law enforcement
16 reserve force shall adopt and publish a manual setting forth
17 the minimum qualifications, minimum training standards, and
18 standard operating procedures for reserve officers.

19 Section 4. Auxiliary officers. (1) A local government
20 may authorize auxiliary officers. Auxiliary officers:

21 (a) are subordinate to full-time law enforcement
22 officers; and

23 (b) may not serve unless supervised by a full-time law
24 enforcement officer.

25 (2) No auxiliary officer may carry a weapon.

1 (3) An auxiliary officer may not participate in any
2 pension or retirement system established for full-time law
3 enforcement officers.

4 (4) Each law enforcement agency that utilizes
5 auxiliary officers shall provide full workers' compensation
6 coverage for the officers while they are providing actual
7 service for a law enforcement agency.

8 Section 5. Exceptions. Provisions of subsections (1)
9 and (2) of [section 2] do not apply to auxiliary officers,
10 to sworn volunteer peace officers who are not assigned to
11 general law enforcement duties, or to members of a posse
12 organized to quell public disturbance or domestic violence
13 in accordance with 16-2702(6).

14 Section 6. Severability. If a part of this act is
15 invalid, all valid parts that are severable from the invalid
16 part remain in effect. If a part of this act is invalid in
17 one or more of its applications, the part remains in effect
18 in all valid applications that are severable from the
19 invalid applications.

-End-

COMMITTEE ON State Administration (Senate)

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
		1-26-77							
104	1-14-77	1-27-77	1-28-77			1-27-77			
		1-26-77							
106	1-14-77	1-27-77	2-18-77			2-15-77			
		1-26-77							
107	1-15-77	1-27-77	1-27-77	1-27-77					
		2-2-77							
120	1-18-77	2-5-77	2-8-77			2-7-77			
		2-3-77							
121	1-18-77	2-9-77	2-14-77			2-9-77			
		2-14-77							
122	1-18-77	2-4-77	2-18-77			2-15-77			
		2-9-77							
127	1-18-77	2-7-77	2-10-77			2-9-77			
		2-9-77							
143	1-19-77	2-4-77	2-17-77		2-16-77				
		2-4-77							
152	1-19-77	2-9-77	2-11-77			2-9-77			
162	1-20-77	2-9-77	2-17-77			2-15-77			
168	1-20-77	2-4-77	transferred to select committee on employment compensation						
171	1-20-77	2-4-77	2-10-77	2-9-77					
		2-7-77							
174	1-21-77	2-9-77	2-10-77			2-9-77			
179	1-21-77	2-9-77	2-17-77			2-16-77			
		2-2-77							
183	1-21-77	2-9-77	2-10-77	2-9-77					
184	1-21-77	2-9-77	2-16-77	2-15-77					
191	1-21-77	2-9-77							
		2-14-77	2-14-77			2-14-77			

Mike Young closed for Senator Thiessen by stating there is merit in putting the bill in the select committee.

There being no further discussion the hearing was closed.

SENATE BILL 152 ✓

Senator Hazelbaker, District 41, sponsor of the bill, stated the bill is a product of the Montana Justice Project final report. It explains definitions and duties of auxilliary and reserve police officers.

Mr. Bain, former Chief of Police in Great Falls, presented suggested amendments to the bill (see attached #1).

Jack Williams, representing the Chiefs of Police, supported the bill.

Chuck O'Reilly, Assistant Director of the Montana Justice Project, stated several of the smaller police departments in the state requested the bill.

Don Judge, Field Representative of the American Association of State and Local Employees urged support of the bill.

OPPONENTS

Tom Dowling, representing the Sheriffs and Peace Officers Association, stated the provisions on page 4, subsection 4, should be included for auxilliary officers.

Greg McCurdy, Montana Association of Counties, stated HB 122 takes care of the provisions of the bill. He felt the state should provide training.

There being no further discussion, the hearing was closed.

SENATE BILL 171

Senator Dunkle, District 15, sponsor of the bill, asked Tom Schneider, Public Employees Retirement System, to explain the bill to the committee.

Mr. Schneider presented his statement to the committee (see attached #2).

PROPONENTS

Homer Wheeler, representing himself as a state employee, stated he favored the bill.

Don Judge, representing the American Federation of State and County Municipal Employees, stated support of the bill.

Larry Nachtsheim, Public Employees Retirement System, supported the bill.

SENATE BILL 127

Senator Blaylock moved to amend the bill wherever the figure \$400 appears by striking \$400 and inserting \$1000. (see amendments 4, 5, 8, and 9 on the attached committee report) THE MOTION CARRIED UNANIMOUSLY WITH SENATOR DEVINE ABSENT.

Senator Jergeson moved to strike section 3 in its entirety. THE MOTION CARRIED UNANIMOUSLY WITH SENATOR DEVINE ABSENT.

Senator Blaylock moved to amend the title, page 3, line 23; page 5, lines 10 and 11; page 7, lines 20 through 23; page 12, line 6; page 13, line 3; and page 13, line 4 (see attached committee report - amendments #1, 7, 10, 12, 13, 15, and 16). THE MOTION CARRIED UNANIMOUSLY WITH SENATOR DEVINE ABSENT.

Senator Brown moved to amend page 2, line 9 by striking "not including payment of membership dues". THE MOTION CARRIED UNANIMOUSLY WITH SENATOR DEVINE ABSENT.

Senator Rasmussen moved to amend page 2, line 5 following "capacity" by inserting "on request of a legislator". THE MOTION CARRIED UNANIMOUSLY WITH SENATOR DEVINE ABSENT.

Senator Brown moved to amend page 2, lines 4 and 5 by striking everything following "legilature" and inserting a period. THE MOTION FAILED WITH SENATORS STORY, BROWN, DEVINE, AND BLAYLOCK VOTING YES AND SENATORS TOWE, RASMUSSEN, ROSKIE, AND JERGESON VOTING NO.

Senator Blaylock moved to amend page 3, line 19 by striking "corporation or association". THE MOTION CARRIED UNANIMOUSLY.

Senator Story moved to strike section 10 in its entirety. THE MOTION CARRIED WITH SENATORS TOWE, BLAYLOCK, AND JERGESON VOTING NO AND SENATOR BROWN WISHING TO BE RECORDED AS A RELUCTANT AYE.

Senator Brown moved Senate Bill 127 Do Pass As Amended. THE MOTION CARRIED WITH SENATORS TOWE, BROWN, RASMUSSEN, JERGESON, AND BLAYLOCK VOTING YES AND SENATORS STORY, ROSKIE AND DEVINE VOTING NO.

SENATE BILL 152

Senator Blaylock moved to amend page 3, line 12 by striking 1 year and inserting 2 years. THE MOTION CARRIED UNANIMOUSLY WITH SENATOR BROWN ABSENT.

Senator Jergeson moved to amend page 6, line 20 following "officers" by inserting "only on the orders and at the direction of the chief law enforcement administration of the local government". THE MOTION CARRIED UNANIMOUSLY WITH SENATOR BROWN ABSENT.

Senator Jergeson moved to amend page 6, line 25 by inserting "while on

assigned duty" following "weapon". THE MOTION CARRIED UNANIMOUSLY WITH SENATOR BROWN ABSENT.

Senator Jergeson moved to amend section 6 by striking section 6 in its entirety and inserting all new material (see amendment # 4 on attached committee report). THE MOTION CARRIED UNANIMOUSLY WITH SENATOR BROWN ABSENT.

Senator Jergeson moved Senate Bill 152 Do Pass As Amended. THE MOTION CARRIED WITH SENATOR STORY VOTING NO.

SENATE BILL 168

Senator Brown moved to refer the bill to the Select Committee on Employment Compensation. THE MOTION CARRIED UNANIMOUSLY.

SENATE BILL 171

Senator Rasmussen moved Senate Bill 171 Do Pass. THE MOTION CARRIED UNANIMOUSLY.

SENATE BILL 260

Senator Jergeson moved to amend page 1, line 22 and page 2, line 3 by striking "75% of". THE MOTION CARRIED UNANIMOUSLY.

Senator Story moved to amend page 5, line 1 following "reasons" by inserting "and granted prior to July 1, 1977,". THE MOTION CARRIED UNANIMOUSLY.

Senator Roskie moved to amend page 5, line 14 by striking "act" and inserting "section". THE MOTION CARRIED UNANIMOUSLY.

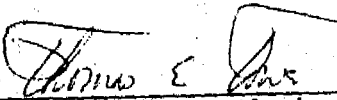
Senator Roskie moved to amend page 6, line 13 by striking "pension" and inserting "retirement allowance". THE MOTION CARRIED UNANIMOUSLY.

Senator Rasmussen moved Senate Bill 260 Do Pass As Amended. THE MOTION CARRIED UNANIMOUSLY.

SENATE BILL 183

Senator Story moved Senate Bill 183 Do Pass. THE MOTION CARRIED WITH SENATOR BROWN VOTING NO.

There being no further business, the meeting adjourned to reconvene February 11 at 11:00 a.m.


Thomas E. Towe, Chairman

March 4, 1977

The meeting was called to order at 8:00 a.m., Chairman Brand presiding. Representatives Lien, Bardanouve and Mular were excused for other meetings; and Menahan and Meyer were absent.

Hargesheimer submitted his summary - see attachment #1.

SB 161-Sen. Stephens, sponsor--This is a product of the Interim Rules Committee, relative to officers of the Senate and the House. It is a practice that has gone on for a number of years, but the committee felt that it should be made statutory in order to make it more definitive, and to specify that the President Pro Tempore of the Senate serves throughout the session.

✓ SB 152-Sen. Hazelbaker, sponsor--This came out of the Criminal Justice Study. One of the measures introduced by the Board of Crime Control, it is used to regulate peace officers and set up training standards. They aren't sworn officers and they don't carry guns. Reserve officers are defined as being sworn officers, and they have arrest authority - but this is not mandatory -- if the town wishes extra officers, or if regular officers are on vacation, sick leave, or generally gone; reserve officers can take their places. (He pointed out an amendment on page 6 defining the appointment and control of the auxiliary officers - also on page 7 there is an amendment dealing with the fact that auxiliary officers may not carry guns when on duty.)

CLAYTON BAIN, Board of Crime Control--This question was brought to the Board of Crime Control a few years ago. We were asked to determine the extent to which these people were needed. 900 volunteer peace officers work in Montana. We decided to establish a Task Force and determine what bills would have to be drawn up to govern their scope of authority, training specifications, guidelines, etc. Right now, there's no code dealing with volunteers and we feel this will help with the problems we have encountered. (for additional testimony - see attachment #2)

MIKE McGRATH, Attorney General's Office--We support, and feel it imperative that this be implemented.

BAIN-They can't replace full-time officers with reserve officers. Emergencies have a posse sort of status. RYAN-When there are vacancies, do they draw from the reserves? BAIN-Yellowstone County, for example, has 36% of its sheriffs and other officers drawn up from the reserves. So, they are quite often used. Once they get going, the cost will deplete; but the federal government has given other funds for this. The major cost comes in gearing up the program. HAZELBAKER-The last two lines say that no additional costs will be needed after 1979. Page 7 explains Workmens' Compensation. BRAND-Why was the severability clause stricken? BAIN-The Legislative Council did that. HARGESHEIMER-The severability clause isn't really necessary. A lot of times these are put in as a safeguard, but they aren't really necessary in a bill like this.

SB 183-Sen. Roberts, sponsor, never managed to make it to the meeting, so his bill was handled by the witnesses present.

ART KORN, State Volunteer Firemens' Association--This is a housekeeping bill. (see attachment #3, from Larry Nachtsheim, relative to the cost. Korn explained the build up of the fund.) This bill takes no money out of the fund.

March 4, 1977

DAVE FISHER, Montana Firemens' Association--The fund is plenty solvent, and the bill states that if the money is available, they can pay it.

KROPP-What's the story with the fiscal note? KORN-We set up the fund to mature up to \$1,000,000, and so any money would be from the Firemens' Fund. FEDA-Why does Glasgow have its own fund? KORN-It is a third class city. Their increase is covered under a house bill. Every third class city has their own set of officers. FISHER-This bill deals mostly with unincorporated areas. It is relative to the Montana Volunteer Firemens' Act.

EXECUTIVE SESSION

HB 152-O'Connell moved that the bill BE CONCURRED IN.

ROBBINS-Since Hazelbaker sponsored this, maybe we should put it in a study committee for two years.

The motion carried unanimously, and Fedra was assigned to carry the bill on the House floor.

SB 161-O'Connell moved BE CONCURRED IN, which carried unanimously, Smith was assigned to carry it on the floor.

SB 183-Robbins moved BE CONCURRED IN, and assured the committee that there would be no departments deleted in the bill.

BRAND-Is this a guarantee of \$100 a month? KRON-No, only if the funds are available. If not, they would be pro rated. The fund is constituted and accumulated by taking 1/4 of one percent of the fire insurance payments in the state. FISHER-There's a vested right clause, so everybody doesn't receive the same amount. They will receive an increase, but they won't be able to accrue additional interest. The base principle cannot go below \$1,000,000. ROBBINS-Are we going to give these people \$100 now, and then on down the line, they won't be able to pay it? FISHER-In the future, should the fund deplete, they may be paid less than \$100, but not less than \$50. We have some investments that don't accrue until 1980 or 1990, and these are large investments. Any decrease would be pro rated.

Robbins motion of BE CONCURRED IN carried unanimously. Meyer was assigned to carry it on the floor.

MEETING ADJOURNED - 8:45 a.m.

Joe Brand, Chairman

Anita C. Sierke
Anita C. Sierke, Secretary

SENATE BILL NO. 152

INTRODUCED BY HAZELBAKER

BY REQUEST OF MONTANA BOARD OF CRIME CONTROL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE VOLUNTEER PEACE OFFICERS BY ESTABLISHING MINIMUM QUALIFYING STANDARDS AND AUTHORIZING THE BOARD OF CRIME CONTROL TO ESTABLISH MINIMUM TRAINING STANDARDS FOR SUCH PEACE OFFICERS TO SAFEGUARD THE INTERESTS OF THE PUBLIC."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definitions. As used in this act, the following definitions apply:

(1) "Auxiliary officer" means an unsworn, part-time, volunteer member of a law enforcement agency who may perform but is not limited to the performance of such functions as civil defense, search and rescue, office duties, crowd and traffic control, and crime prevention activities. An auxiliary officer has only the arrest authority granted a private person in 95-611.

(2) "General law enforcement duties" means patrol operations performed for detection, prevention, and suppression of crime and the enforcement of criminal and traffic codes of this state and its local governments.

(3) "Law enforcement agency" means a law enforcement

service provided directly by a local government.

(4) "Law enforcement officer" means a sworn, full-time, employed member of a law enforcement agency who is a peace officer as defined in 95-210 and has arrest authority as described in 95-608.

(5) "Reserve officer" means a sworn, part-time volunteer member of a law enforcement agency who is a peace officer as defined in 95-210 and has arrest authority as described in 95-608 only when authorized to perform these functions as a representative of the law enforcement agency.

Section 2. Reserve officers. (1) A local government may authorize reserve officers. A person who meets minimum standards for appointment as a peace officer may be appointed as a reserve officer. To be appointed, a person must:

(a) have resided in the state continuously for at least 1 year prior to the appointment and in the county where such appointment is made for a period of at least 6 months prior to the date of the appointment;

(b) be a citizen of the United States;

(c) be at least 18 years of age;

(d) be fingerprinted, and a search must be made of local, state, and national fingerprint files to disclose any criminal record;

(e) not have been convicted of a crime for which he

REFERENCE BILL

1 could have been imprisoned in a federal penitentiary or
2 state prison;

3 (f) be of good moral character as determined by a
4 thorough background investigation;

5 (g) be a graduate of an accredited high school or the
6 equivalent;

7 (h) be examined by a licensed physician within 30 days
8 immediately preceding the date of appointment and pronounced
9 in good physical condition; and

10 (i) possess a valid Montana driver's license.

11 (2) No reserve officer may be authorized to function
12 as a representative of a law enforcement agency performing
13 general law enforcement duties after ~~1-year~~ 2 YEARS from the
14 original appointment unless the reserve officer has
15 satisfactorily completed a minimum 88-hour basic training
16 program which must include but need not be limited to the
17 following course content:

- 18 (a) introduction and orientation -- 1 hour;
- 19 (b) police ethics and professionalism -- 1 hour;
- 20 (c) criminal law -- 4 hours;
- 21 (d) laws of arrest -- 4 hours;
- 22 (e) criminal evidence -- 4 hours;
- 23 (f) administration of criminal law -- 2 hours;
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- 6 (n) defensive tactics -- 4 hours;
- 7 (o) crowd control tactics -- 4 hours;
- 8 (p) firearms training -- 30 hours;
- 9 (q) first aid -- 10 hours; and
- 10 (r) examination -- 2 hours.

11 (3) The law enforcement agency is responsible for
12 training its reserve officers in accordance with minimum
13 training standards established by the Montana board of crime
14 control.

15 (4) A reserve officer may serve as a peace officer
16 only on the orders and at the direction of the chief law
17 enforcement administrator of the local government.

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19 capacity to the law enforcement agency. A reserve officer
20 may be appointed as a full-time law enforcement officer
21 through the procedures provided in Montana law for such
22 appointments.

23 (6) The chief law enforcement administrator of a law
24 enforcement agency with reserve officers shall appoint a
25 full-time law enforcement officer of the agency as a reserve

1 force coordinator. The reserve force coordinator shall
2 coordinate the activities of the reserve force with those of
3 the law enforcement agency. Reserve officers:

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5 officers; and

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7 enforcement officer whose span of control would be
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9 (7) No reserve officer may carry a weapon:

10 (a) while on assigned duty until the reserve officer
11 has qualified on the firing range with a weapon in
12 compliance with the firearms qualifying course conducted by
13 the Montana law enforcement academy; and

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15 administrator to carry a weapon.

16 (8) A reserve officer is vested with the same powers,
17 rights, privileges, obligations, and duties as any other
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22 pension or retirement system established for full-time law
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25 officers shall provide full workers' compensation coverage

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4 enforcement agencies shall pay to the state fund an
5 appropriate premium, as established by the state fund, to
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17 reserve force shall adopt and publish a manual setting forth
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19 standard operating procedures for reserve officers.

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21 may authorize auxiliary officers ONLY ON THE ORDERS AND AT
22 THE DIRECTION OF THE CHIEF LAW ENFORCEMENT ADMINISTRATOR OF
23 THE LOCAL GOVERNMENT. Auxiliary officers:

24 (a) are subordinate to full-time law enforcement
25 officers; and

1 could have been imprisoned in a federal penitentiary or
2 state prison;

3 (f) be of good moral character as determined by a
4 thorough background investigation;

5 (g) be a graduate of an accredited high school or the
6 equivalent;

7 (h) be examined by a licensed physician within 30 days
8 immediately preceding the date of appointment and pronounced
9 in good physical condition; and

10 (i) possess a valid Montana driver's license.

11 (2) No reserve officer may be authorized to function
12 as a representative of a law enforcement agency performing
13 general law enforcement duties after ~~1-year~~ 2 YEARS from the
14 original appointment unless the reserve officer has
15 satisfactorily completed a minimum 88-hour basic training
16 program which must include but need not be limited to the
17 following course content:

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5 (m) juvenile procedures -- 2 hours;

6 (n) defensive tactics -- 4 hours;

7 (o) crowd control tactics -- 4 hours;

8 (p) firearms training -- 30 hours;

9 (q) first aid -- 10 hours; and

10 (r) examination -- 2 hours.

11 (3) The law enforcement agency is responsible for
12 training its reserve officers in accordance with minimum
13 training standards established by the Montana board of crime
14 control.

15 (4) A reserve officer may serve as a peace officer
16 only on the orders and at the direction of the chief law
17 enforcement administrator of the local government.

18 (5) A reserve officer may act only in a supplementary
19 capacity to the law enforcement agency. A reserve officer
20 may be appointed as a full-time law enforcement officer
21 through the procedures provided in Montana law for such
22 appointments.

23 (6) The chief law enforcement administrator of a law
24 enforcement agency with reserve officers shall appoint a
25 full-time law enforcement officer of the agency as a reserve

1 force coordinator. The reserve force coordinator shall
2 coordinate the activities of the reserve force with those of
3 the law enforcement agency. Reserve officers:

4 (a) are subordinate to full-time law enforcement
5 officers; and

6 (b) may not serve unless supervised by a full-time law
7 enforcement officer whose span of control would be
8 considered within reasonable limits.

9 (7) No reserve officer may carry a weapon:

10 (a) while on assigned duty until the reserve officer
11 has qualified on the firing range with a weapon in
12 compliance with the firearms qualifying course conducted by
13 the Montana law enforcement academy; and

14 (b) until authorized by the chief law enforcement
15 administrator to carry a weapon.

16 (8) A reserve officer is vested with the same powers,
17 rights, privileges, obligations, and duties as any other
18 peace officer of this state upon being activated by the
19 chief law enforcement administrator of the local government
20 and while on assigned duty only.

21 (9) A reserve officer may not participate in any
22 pension or retirement system established for full-time law
23 enforcement officers.

24 (10) Each law enforcement agency that utilizes reserve
25 officers shall provide full workers' compensation coverage

1 for the officers while they are providing actual service for
2 a law enforcement agency. Coverage shall be provided through
3 the state compensation insurance fund, and the law
4 enforcement agencies shall pay to the state fund an
5 appropriate premium, as established by the state fund, to
6 cover the insurance risk of providing coverage to the
7 officers.

8 (11) A local government may not reduce the authorized
9 number of full-time law enforcement officers through the
10 appointment or utilization of reserve officers.

11 (12) Reserve officers serve at the pleasure of the
12 chief law enforcement administrator and may be terminated at
13 any time by the chief law enforcement administrator by
14 written notification without any cause.

15 Section 3. Reserve manual required. The authorizing
16 law enforcement agency establishing a law enforcement
17 reserve force shall adopt and publish a manual setting forth
18 the minimum qualifications, minimum training standards, and
19 standard operating procedures for reserve officers.

20 Section 4. Auxiliary officers. (1) A local government
21 may authorize auxiliary officers ONLY ON THE ORDERS AND AT
22 THE DIRECTION OF THE CHIEF LAW ENFORCEMENT ADMINISTRATOR OF
23 THE LOCAL GOVERNMENT. Auxiliary officers:

24 (a) are subordinate to full-time law enforcement
25 officers; and

(b) may not serve unless supervised by a full-time law enforcement officer.

(2) No auxiliary officer may carry a weapon WHILE ON ASSIGNED DUTY.

(3) An auxiliary officer may not participate in any pension or retirement system established for full-time law enforcement officers.

(4) Each law enforcement agency that utilizes auxiliary officers shall provide full workers' compensation coverage for the officers while they are providing actual service for a law enforcement agency.

Section 5. Exceptions. Provisions of subsections (1) and (2) of [section 2] do not apply to auxiliary officers, to sworn volunteer peace officers who are not assigned to general law enforcement duties, or to members of a posse organized to quell public disturbance or domestic violence in accordance with 16-2702(6).

~~Section 6. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.~~

SECTION 6. STANDARDIZATION OF TERMINOLOGY. TO FACILITATE THE USE OF COMMON TERMINOLOGY FOR LAW ENFORCEMENT

PURPOSES, THE CODE COMMISSIONER SHALL, WHERE APPROPRIATE, CHANGE ALL STATUTORY REFERENCES TO COMPLY WITH THE FOLLOWING RULES:

(1) EVERY REFERENCE TO "RESERVE OFFICER" IN THE LAWS GOVERNING THE POLICE RETIREMENT SYSTEM SHALL BE CHANGED TO "RETIRED OFFICER".

(2) EVERY REFERENCE TO "RESERVE LIST" IN THE LAWS GOVERNING THE POLICE RETIREMENT SYSTEM SHALL BE CHANGED TO "RETIRED LIST".

-End-